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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,384	10/31/2000	Victor B. Lortz	10559-299001	5608

20985 7590 05/13/2004

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EXAMINER

BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 05/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/704,384

Applicant(s)

LORTZ ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to a communication made on March 12, 2004

Claims 1-29 are pending in this application

Response to Amendment

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 7-9, 11-13, 16-17, 20-21, 24-25, 26, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Eichert (6393474).

Regarding claims 1, 5, and 9, Eichert discloses a method, comprising: receiving a specification for translating a network policy (Column 10, lines 50 – 57; Column 2, lines 47 – 54) from a first schema to a second, different schema (Column 2, lines 52 – 54); translating the network policy into the second different schema based on the specification (Column 5, lines 38 – 45; Column 8, lines 31 – 42; Column 9, lines 11 – 26); and configuring a network system based on the translated policy (Column 4, lines 48 – 58).

Regarding claims 3, 7, and 11, Eichert discloses that the specification is received in a file from a policy server (Column 2, lines 49 – 54 and lines 60 – 65).

Regarding claims 4, 8, and 12, Eichert discloses that the file also contains the policy (Column 2, lines 49 – 54 and Column 3, lines 25 – 27).

Regarding claims 13, 17, and 21, Eichert discloses a method, comprising: storing a network policy for configuring a network system according to a first schema (Column 10, lines 36 – 47); storing a specification for translating the network policy from the first schema to a second different schema (Column 10, lines 50 – 57; Column 2, lines 47 – 54; Column 10, lines 36 – 47); translating the network policy into the second different schema based on the specification (Column 5, lines 38 – 45; Column 8, lines 31 – 42; Column 9, lines 11 – 26); and sending the translated network policy to a client computer (Column 5, lines 42 – 45).

Regarding claim 25, Eichert discloses a method of configuring a network comprising: transmitting a network policy according to a first schema and a specification for translating the network policy from the first schema to a second different schema from a server (Column 9, lines 10 – 13 where the signal is the policy and the specification and Column 9, lines 38 – 49, shows that the schema doesn't change till the policy is received by the devices); receiving the network policy and the specification on a first client computer (Column 2, line 62 – Column 3, line 3); translating on the client computer the network policy from the first schema to the second different schema using the specification (Column 3, lines 25 – 27); and configuring the network system on the first client computer using on the translated network policy (Column 3, lines 27 - 32).

Regarding claim 26, Eichert discloses receiving the network policy on a second client computer (Column 2, line 62 – Column 3, line 3) and configuring the network system on the second client computer using on the network policy (Column 3, lines 27 - 32).

Regarding claims 16, 20, 24, and 29, Eichert discloses that the network policy and the specification are stored in one file (Column 3, lines 25 – 27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6, 10, 14-15, 18-19, 22-23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichert in view of Hind (6585778).

Regarding claim 2, Eichert does not explicitly indicate that the network policy is represented in a Markup Language that uses tags. Hind teaches a policy distribution and enforcement system where he uses Extensible Markup Language [a tag-based language] (Column 7, lines 19 – 29) and the specification is represented in eXtensible Stylesheet Language (Column 7, lines 47 – 50 and Column 8, line 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hind's teaching of distributing policy using XML on Eichert's network policy configuring system to provide more flexibility (Column 4, lines 1 – 4) and be more device specific in the policy rules (Column 2, lines 29 – 36).

Regarding claims 6, 10, 14, 15, 18, 19, 22, 23, and 28, Eichert does not explicitly indicate that the network policy is represented in eXtensible Markup Language and the specification is represented in eXtensible Stylesheet Language. Hind teaches a policy distribution and enforcement system where he uses Extensible Markup Language [a tag-based language] (Column 7, lines 19 – 29) and the specification is represented in eXtensible Stylesheet Language (Column 7, lines 47 – 50 and Column 8, line 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hind's teaching of distributing policy using XML on Eichert's network policy configuring system to provide more flexibility (Column 4, lines 1 – 4) and be more device specific in the policy rules (Column 2, lines 29 – 36).

Regarding claims 14, 18, and 22, Eichert discloses that prior to translating the network policy the steps of: sending the network policy to the client computer; sending the specification for translating the network policy to the client computer (Column 3, lines 25 – 27); but Eichert does not explicitly indicate receiving an indication that the client computer cannot translate the network policy. Hind teaches receiving an indication that the client computer cannot translate the policy (Column 7, lines 40 – 41) and translating the policy into something the client can understand (Column 7, lines 41 – 47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hind's teaching of receiving indications on whether the client computer understands the policy and use it in Eichert's policy system in order to expand the type of devices that the network is able to support even if those devices have limited functions (Column 7, lines 34 – 40).

Regarding claim 27, Eichert discloses receiving the network policy on a third client computer (Column 2, line 62 – Column 3, line 3); translating on the server the network policy from the first schema to the second different schema using the specification (Column 2, lines 49 – 52); and transmitting the translated network policy to the third client computer (Column 2, lines 52 – 54), but Eichert does not explicitly indicate that the client transmits to the server an indication that the third client computer cannot translate the network policy. Hind teaches an indication that the client computer cannot translate the policy (Column 7, lines 40 – 41) and translating the policy into something the client can understand (Column 7, lines 41 – 47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hind's teaching of receiving indications on whether the client computer understands the policy and use it in Eichert's policy system in order to expand the type of devices that the network is able to support even if those devices have limited functions (Column 7, lines 34 – 40).

Response to Arguments

Applicant's arguments filed March 12, 2004 have been fully considered but they are not persuasive. The applicant argues that the reference, Eichert, only interprets the file in which the policy is communicated and does not translate the policy from a first schema to a second schema. The Examiner believes that reference does in fact teach using a specification sent in a file, containing a network policy, which translates that policy from one schema to another. This can be seen best seen in Column 10, lines 48 – 57, this passage shows that a network device receives an object that contains a new

network policy, and a method to use that object. The first schema in is the fact that the object is encapsulated, which can be seen in Column 9, lines 11 – 26. The object needs to be translated or decoded to a second version, an object that the system can use to understand the policy that has been defined (Column 5, lines 42 – 45). The object is then used to configure the network device. The second schema of the policy is in a form that a legacy system can implement and use without having to break connections and reboot (Column 4, lines 48 – 58).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB
May 7, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER